Multi-Media Compliance Evaluation Inspection
USEPA Region III
Office of Enforcement, Compliance, and Environmental Justice

Bureau of Prisons
United States Penitentiary Hazelton
1640 Sky View Drive
Bruceton Mills, WV 26525

Inspection Date: January 24, 2012

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Background

The inspection of U.S. Penitentiary Hazelton (USP or the Facility) was conducted on January 24, 2012, as part of the Environmental Protection Agency (EPA's) multi-media compliance evaluation inspection.

The targeting process for this multi-media inspection is based on the Bureau Of Prisons (BOP) entering into an agreement with the EPA to conduct a self disclosure inspection/audit, via third party.

The objective of this multi-media inspection was to get a snap shot of the Facility's overall compliance, with regard to current environmental regulations. The scope of the inspection included compliance with:

- Resource Conservation and Recovery Act (RCRA). This aspect of the inspection focused on the hazardous waste. (RCRA-C).

- Clean Water Act (CWA). This aspect of the inspection focused on wastewater pretreatment and stormwater.

- Spill Prevention and Control Countermeasures (SPCC). This part of the inspection looked at the facilities plan with regards to equipment housing oil.

- Clean Air Act (CAA). This portion of the inspection focused on CFC's generated at the Facility.

- Emergency Planning Right To Know Act (EPCRA) Section 313. This portion of the inspection focused on TRI for the Facility and the submittal of (Form R).

As part of the inspection, the inspectors also reviewed the records associated with each program.

Facility Description

The Facility is located on a 960 acre site in Preston County, WV, the Facility also incorporates a Secure Female Facility (SFF) and a Satellite Prison Camp (SPC). There are approximately 550 full time employees with the USP housing 1500 male offenders, the SFF housing 620 female offenders, and the SPC housing 130 male offenders. Construction of the USP began in 2001 and started receiving inmates in 2005. The SPC started receiving inmates in 2004 and the SFF unit received its first inmates in 2006. Adjacent to the USP, the construction of a Federal Correctional Institute (FCI) began in 2010 and is slated to be completed in 2012, which will house 1800 offenders.

The Facility is operating as a Conditionally Exempt Small Quantity Generator (CESQG) for hazardous waste and has a title V permit associated with the Clean Air Act (CAA). Under the Clean Water Act (CWA), the Facility does not have an NPDES permit. According to personnel, there are no regulated Underground Storage Tanks (UST's) located on site. The Facility does have a Spill Prevention Control and Countermeasures (SPCC) plan. The Facility was a recipient of the 2009 Energy and Environmental Management Award **(See Attachment #1).**

Opening Conference

EPA inspectors Justin Young, Joe Reyna and José Jiménez arrived at the Facility, on January 24, 2012, to meet with Facility representatives. At approximately 9:05 am, the EPA inspectors conducted an opening conference with Facility representatives from the USP. At this time, the EPA inspectors presented their credentials to the Facility as authorized representatives of the agency. The EPA inspectors provided an overview for the scope of the inspection to the Facility personnel, including aspects of why the Facility was selected for inspection. The inspectors also informed the Facility personnel that a close out conference would be conducted at the end of the inspection to discuss any findings and or concerns found during the inspection.

Technical Reports

Resource Conservation and Recovery Act - Hazardous Waste

Background

The following observations are for a RCRA-C hazardous waste inspection of the USP by EPA inspector Justin Young, as part of the multi-media inspection.

Process Description

Waste generated at the Facility comes primarily from three processes: maintenance operations, health/dental care, and the armory. The Facility conducts preventative maintenance, which includes a parts washing machine and the changing of light tubes throughout the Facility. Within the health and dental services area of the Facility, medications are collected and handled through a third party (Guaranteed Returns). Within the armory, the Facility collects and sends off rags from the cleaning of guns to a third party (Cintas). The Facility utilizes a contractor (Safety Kleen) to handle the disposal of waste.

Permit Status

The Facility notified as a Conditionally Exempt Small Quantity Generator (CESQG). EPA ID number WVR000513309.

Types of Generation

Hazardous waste generation

- Parts washing filter – The Facility generates waste from the usage of a parts washing machine. The filter associated with the machine is handled as hazardous waste by Safety Kleen Inc.

Universal waste generation

- Used lamps and batteries – The Facility generates used fluorescent lamps and batteries on site. The Facility stores the universal waste lamps in the warehouse prior to being sent off site.

Used Oil generation

- Used Oil – The Facility collects used oil from processes throughout the Facility, which is recycled by Safety Kleen Inc.

Training

The Facility conducts environmental training for all employees. **Attachment #12** shows a certificate of training as an example of what type of training is conducted.

Checklists

The Facility conducts hazardous and universal waste checklists. The EPA inspector obtained a copy of the checklists from 6/25/2010, as an example **(See Attachment #13 and #14)**.

Clean Water Act

The following observations are for a CWA inspection of the Facility by EPA inspector Joe Reyna, as part of the multi-media inspection.

Current applicability and permit status

Mr. Bayless explained USP is the largest producer of wastewater connected to the Preston County Sewage PSD (WV0025101) collection system. On average, the Facility produces approximately 200,000 gallons of wastewater per day. Mr. Bayless stated USP was not issued a pretreatment permit from Preston County, and the Facility was not responsible for conducting monitoring of their wastewater sent to Preston County.

Mr. Bayless also explained the Facility maintained an active Health and Dental Clinic, vehicle maintenance area, Central Powerhouse, warehousing, a wastewater Auger building, three (3) grease traps, and an oil/water skimmer.

Mr. Reyna conducted an onsite inspection to observe the Facility's activities. Several photographs were taken during the inspection. The Facility's activities were inspected for compliance with applicable CWA rules and regulations.

On Site Inspection

Central Powerhouse/Maintenance Garage

During the onsite inspection, the first location that was observed was the Central Powerhouse. The Central Powerhouse houses the Facility's chillers, emergency generators, and boilers. After the Central Powerhouse was observed, the inspection continued to the vehicle maintenance garage (Building GL-104). The vehicle maintenance garage conducts vehicle maintenance, vehicle washing, parts washing, and stores materials associated with the listed activities. The vehicle washing is conducted in a covered area that is protected from precipitation. Mr. Reyna asked Facility personnel where the floor drains and vehicle wash rack drains towards. Facility personnel stated the floor drains and vehicle wash rack drain to an oil/water skimmer located outside of the maintenance area **(see CWA photos #1 & #2)**. Mr. Reyna asked where the oil/water skimmer drains toward. Facility personnel stated the oil/water skimmer's effluent drains into the Preston County Sanitary Sewer System. After the interior of the vehicle maintenance garage was observed, the inspection continued outside the building. Outside the building, the Facility stores/parks heavy equipment **(see CWA photo #3)**.

Warehouse

Following the vehicle maintenance garage, the inspection continued to the warehouse (Bldg OW-116). Upon arriving at the warehouse, Mr. Reyna observed warehouse personnel power washing the interior warehouse floors. The warehouse

personnel proceeded to skim the wash water from the warehouse floor outside to the loading/unloading area **(see CWA photo #4)**. The wash water should be directed into the warehouse's floor drains and not outside the building.

Auger Building

After the warehouse was observed, the inspection continued to the Auger Building. The Auger Building is the location where an auger/grinder screens/removes garbage from the wastewater before it enters the Preston County Sanitary Sewer System. This system is in place because the inmate population will often flush garbage instead of placing their refuse in waste bins **(see CWA photos #5 & #6)**. The waste that is captured and removed from the wastewater is bagged and placed in a dumpster, located outside the Auger Building. The dumpster was open at the time of the inspection. Facility personnel closed the dumpster upon becoming aware the lid was left opened. Furthermore, the dumpster had several holes and gaps that would allow precipitation to come into contact with the contents of the dumpster. The precipitation would come in contact with raw sewage contaminated garbage then leak on to the surrounding soil **(see CWA photos #7 – #9)**. Mr. Bayless stated the Facility was in the process of replacing the dumpster.

Camp Administration/Food Services

The next location that was observed was the Camp Administration/Food Services grease trap **(see CWA photo #10)**. According to Facility personnel, the grease trap is cleaned on a quarterly basis. The last time the trap was stated to be cleaned was October 2011.

Health/Dental Clinic

After the grease trap was observed, the inspection continued to the Health and Dental Clinic. Specifically, for the purposes of the CWA portion of the inspection, the Dental Clinic was observed to see how dental amalgams were captured and disposed of. The Dental Clinic utilizes an SolmeteX Amalgam trap to capture dental amalgams and prevent the amalgams from entering the sanitary sewer system. The amalgam trap system consisted of a vacuum trap filter and chair side traps. Photographs of the amalgam system can be observed in the RCRA-C portion of the multi-media inspection.

Records Review

The Facility and WVDEP worked together and determined the Facility did not need/qualify for an Industrial Stormwater General Permit. However, it was determined the Facility should develop and implement a Stormwater Pollution Prevention Plan as a Best Management Practice. A Stormwater Pollution Prevention Plan was developed by the Facility; however, the Plan was not up to date, and it did not appear to be ever fully implemented.

Spill Prevention Control and Countermeasures (SPCC)

This portion of the inspection was conducted by Mr. Jiménez. At the time of the inspection, the aboveground storage capacity was greater than the threshold; therefore, the Facility was subject to the SPCC regulations. Garth Heikkinen is responsible for the SPCC requirements at the Facility.

The Facility stores oil (as defined by EPA in the SPCC regulations) in various forms, primarily diesel, but also in the form of gasoline, dielectric fluid, and engine oil. According to the SPCC Plan, the Facility storage capacity in aboveground storage tanks (ASTs) is approximately 74,000 gallons of diesel. During the inspection, Mr. Jiménez reviewed the current SPCC plan dated November 17, 2009.

The SPCC Plan had a licensed Professional Engineer (P.E.) certification and Management approval by the previous warden, on November 17, 2009 and December 21, 2009 respectively.

According to Mr. Heikkinen, training is provided every year. Inspections are conducted by Mr. Heikkinen, every month, with the exemption of the Powerhouse where tank inspections are conducted every week by Powerhouse representatives using their own form, **See Attachment #15**. **See Attachment #17** for a copy of the form used by Mr. Heikkinen. According the SPCC Plan, the ASTs are monitored using an automatic tank gauging and sensor detection system (ATG) EECO System 1500 Series.
At the Powerhouse, Mr. Jiménez met John Jacobs, the Utility Forman. According to Mr. Jacobs he conducts the inspections at the Powerhouse tanks. When asked about tank training, he did not remember the last time training was provided to him about tanks. Each tank is equipped with the following: liquid level gauge, 90% capacity automatic shutoff, spill containment for fill port, interstitial monitoring port, atmospheric venting, emergency venting, pressure vacuum caps on tank vents and overfill prevention valve. Several tanks were visited at the Powerhouse during the inspections. All tanks are doubled-wall, **See SPCC photos (#1-#3)**, for a view of the 10,000-gallon diesel tanks. According to Mr. Jacob, a portable containment area is used when refueling the tanks. **SPCC photo #4** shows a view of the 12,000-gallon diesel tank for emergency power generators. Two ATGs are located in the Powerhouse **See SPCC photo #5**. One of the ATGs monitor the tanks providing fuel to the power generators and the other ATG monitors the boiler fuel oil.

Inspection Observations

Powerhouse

The powerhouse was constructed in 2004 and went online in 2005. The EPA inspector met with shop foreman Mr. John Jacobs. Mr. Jacobs stated there was no hazardous waste generated in the powerhouse. The EPA inspector asked what the procedure was for changing fluorescent light tubes. There is a cardboard container that is used for storing used lamps and, at the end of the day **(See RCRA-C photo #1)**, the content of the container is transferred to the universal waste storage area in the warehouse building. The cardboard container was empty at the time of the inspection.

Warehouse

Mr. Jacobs escorted the EPA inspector to the universal waste storage area in the warehouse building. At the time of the inspection, there were a total of five containers **(See RCRA-C photo #2)**. One of the containers (small container) was empty. Three of the cardboard containers had universal waste lamps, holding a combination of metal halides, HID, and HPS bulbs. Each of the three (3) containers was closed **(See RCRA-C photo #3)**. The start accumulation dates associated with the containers were 1/10/2012, 1/10/2012, and 12/15/2011 **(See RCRA-C photo #4)**. The final container had a universal waste label with a description of broken bulbs **(See RCRA-C photo #5 and #6)** and a start accumulation date of 1/6/2011. The Facility stated the date on the container was a mistake and corrected the date on the container with 1/6/2012. The Facility provided the EPA inspector with certificates of recycling for the universal waste, which included the last shipment of universal waste sent out for recycling on 12/30/2011, **(See Attachment #2)**, prior to starting the current container. The locking ring on the drum was not closed at the time of the inspection.

Firing Range

The EPA visited the Facility's outdoor firing range. According to the Facility, they used the site for their fire arms qualification. The Facility does not have any current plans to recover the shot from the dirt backstop **(See RCRA-C photo #7)**.

Armory

The EPA inspector met with Supervisor Security Specialist, Mr. Chip Taylor. Within the armory, there are dedicated areas for Facility personnel to clean their guns. To clean the guns, the Facility uses two gun cleaning solvents. The EPA inspector obtained copies of the MSDS's associated with the two types of cleaning solvents **(See Attachments #3 and #4)**. The rags used in the process are collected in one of two red metal containers **(See RCRA-C photo #8)** and then have them sent out as oily rags via Safety Kleen Inc. The rags were stated to be shipped out every 2nd Monday. Facility records indicated the rags were being sent to Cintas to be laundered and not Safety Kleen

Inc., **(See Attachment #5)**. The EPA inspector asked if there have been any official hazardous waste determination made on the rags, to which the Facility stated no.

Health and Dental Clinic

The EPA inspector met with Health Services Administrator, Mr. Harold Boyles and Mr. Bret Friend. The Facility uses a reverse distribution system for expired and or unused medications, which is handled by a third party (Guaranteed Returns) **(See Attachment #6)**. The Facility stated they have checked their inventory against the EPA's P and U listed waste. There are two medications which the Facility handles on the list (Coumadin and Nitroglycerin). The process for the handling of the Coumadin and Nitroglycerin is to collect the medications in an open top blue container **(See RCRA-C photo #9)** and once the container is full transfer it to a 10-gallon white plastic SAA container **(See RCRA-C photo #10)**. At the time of the inspection, the SAA container was empty with a hazardous waste SAA label and start accumulation date of 2/01/2010. The blue container was holding some Coumadin and Nitroglycerin. There were no labels or marking on the container to indicate the contents of the blue container. The Facility stated that Safety Kleen Inc. comes once a year to handle the SAA.

Within the dental clinic area, the Facility has a SolmeteX unit connected via tubing to the dental chairs to collect the waste amalgams **(See RCRA-C photo #11)**. Once the filter which collects the amalgam is full, it is replaced and shipped back to SolmeteX for recycling. There is also another location called the sterile room where the Facility collects larger scraps of amalgam. There were multiple containers that were collecting the waste amalgam **(See RCRA-C photo #12)**. The largest container was dated September 2011. These containers were stated to be sent out about once a year through FedEx to Mercury Recyclers International (MRI). The EPA inspector obtained a copy of the certificate of receipt from MRI regarding the waste amalgams for recycling **(See Attachment #7)**.

Records Review

Manifests/LDR

During the inspection, the EPA inspector asked to see any manifests and LDR's for shipments of waste from the Facility. In August 2011, the Facility shipped off a total of 1,760 pounds of hazardous waste from two separate manifests (003028314SKS and 003028315SKS) **(See Attachments #8 and #9)**. The contents of the waste included paint related materials and aerosol cans. The manifests have the required signatures and information of the generator, transporter, and designated facility. There are no LDR's associated with wither of the two manifests. On August 26, 2011, the Facility shipped off three (3) drums of toxic liquid containing toluene diisocyanate as non hazardous through Safety Kleen Inc. **(See Attachment #10)**. Per a phone conversation with the Facility, the waste associated with the bill of lading is DynaFlex security sealant. The Facility also generated waste mercury in October 2011, which was sent out on a hazardous waste manifest that included a signed LDR through Safety Kleen Inc. **(See Attachment #11).**

EPCRA Section 313 Toxic Chemical Release Reporting

The Title III of the 1986 Superfund Amendments and Reauthorization Act (SARA) (also known as the Emergency Planning and Planning and Community Right-to-Know Act [EPCRA]) requires all manufacturing facilities to report annually to the public information about stored toxic substances, as well as about release of such substances, into the environment. The report is known as the Toxic Release Inventory (TRI). Executive Order (EO) 12856 made the TRI reporting requirement applicable to all Federal facilities. Consequently, Federal facilities were required to submit their first set of TRI data to EPA on July 1, 1995.

Section 313 of EPCRA requires those facilities subject to the EPCRA 313 requirements to report to the federal and state governments the annual quantity of toxic chemicals (listed in 40 C.F.R. Section 372.65) entering each environmental medium, either through normal operations or as the result of an accident, quantities transferred off-site in waste, as well as other information. Facilities subject to this requirement must submit to EPA and state officials a toxic chemical release form (Form R) for each toxic chemical manufactured, processed, or otherwise used in quantities exceeding minimum threshold values during the preceding calendar year. Releases that must be reported include those to air, water, and land (including land disposal and underground injection). In addition, discharges to a POTW and transfers to off-site locations for treatment, disposal, energy recovery, and recycling must also be reported. Facilities must also report on the quantities of the chemicals treated, recycled, or combusted for energy recovery on site. Form R reports must be submitted to both the EPA and the state on or before July 1. Copies of Form R reports and related documentation must be kept at the Facility for three years after the report is submitted.

On June 8, 2010, the United States Environmental Protection Agency (EPA) visited the Facility as part of a multi-media inspection. On the day of the inspection, EPA inspector José Jiménez, met Garth Heikkinen, Facility's EPCRA 313 contact person.

At the time of the inspection, the Facility had a shooting range. Form Rs for lead were submitted for lead release to the environment for the last three years, 484 pounds in 2008, 1,470 pounds in 2009 and 1,666 pounds in 2010.

Clean Air Act

Garth Heikkinen was asked about the CFC recycling units' registration, and these registrations were submitted by the Facility. Quarterly reports were submitted to the state, but according to Mr. Heikkinen, this was not required. **Attachment #16** shows a third party sample of the sulfur content from boiler #1.

RCRA-C Photo #	Description
RCRA-C -1	Powerhouse universal waste container
RCRA-C -2	Overview of universal waste storage area
RCRA-C -3	Overview of universal waste storage area
RCRA-C -4	Label with oldest start accumulation date for fluorescent light tubes of universal waste
RCRA-C -5	Close-up of label for container in photo #6
RCRA-C -6	Container holding broken fluorescent light tubes with universal waste label
RCRA-C -7	Firing range
RCRA-C -8	Red containers that hold fire arm cleaning rags
RCRA-C -9	Blue bin holding hazardous pharmaceuticals
RCRA-C -10	SAA in pharmacy
RCRA-C -11	SolmeteX amalgam trap
RCRA-C -12	Scrap Amalgam containers
CWA -1	Oil/water skimmer located outside the vehicle repair shop (Bldg GL-104)
CWA -2	Vehicle wash rack floor drain that drains to the oil/water skimmer
CWA -3	The heavy machinery parking area
CWA -4	Warehouse floor wash water that was directed outside. The floor washing was occurring inside Bldg OW-116
CWA -5	An overview of the Auger Building
CWA -6	Depicts a close-up of the auger waste bin
CWA -7	Dumpster located outside the Auger building
CWA -8	Overview of the dumpster located outside the Auger building
SPCC -1	10,000 gallon diesel AST
SPCC -2	10,000 gallon diesel AST
SPCC -3	10,000 gallon diesel AST
SPCC -4	10,000 gallon diesel AST
SPCC -5	ATG monitoring systems